Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No._____

THE SUPREME COURT OF THE UNITED STATES

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR AN EXTRA ORDINARY WRIT MANDAMUS

SUBMITTED BY:
GARY R. WALL
PETITIONER
60 CARRIAGE HILL DRIVE
WETHERSFIELD, CT. 06109
860-529-2651

QUESTIONS PRESENTED

QUESTION NO. I

Do the following Judicial Branch/Executive Branch "Exceptional Circumstances" warrant the exercise of the Courts discretionary powers for the issuance of an extra ordinary writ, directing District Judge Janet C. Hall to recuse herself from Wall, Cooksey v. Local 230 et al 3:97-CV-00942 (JCH) subject to 28 U.S.C. 455. For background see remand case Wall, Cooksey v. Local 230 et al 224 F.3d 168 (2000 2d. Cir.).

Exception Circumstances: Do they meet the sparingly exercised justification standard of Supreme Courts Rule 20.1.

Do the documented and illustrated extra judicial acts of obstruction and fraudulent misconstruction of the pleadings committed by Judge Hall for political reasons, in order to protect the D.N.C. and the D.O.J.'s involvement in a conspiracy to defraud the United States i.e. "Operating Agreement", warrant the issuances of an extra ordinary writ under the exceptional circumstances standard of Sup. CT. R. 20.1. The Judicial Branch/Executive Branch exceptional circumstances that caused

the usurpation of the petitioners and the plaintiffs Basic Fundamental Rights was and is being caused by the corrupt use of a Congressional Act. That being, the Organized Crime Control Act 1970 (RICO); Being committed by and through the purview of the "Operating Agreement", a self-policing [Title 18 and Title 29] agreement between the Department of Justice and Laborers' International Union of North America (LIUNA). Do the just stated corruption category, exceptional circumstances, qualify for issuance of a Supreme Court Rule 20 Writ of Mandamus.

QUESTION NO. II

Did the Second Circuit panel in 03-3117 In re Gary R. Wall Petitioner F.R.A.P. Rule 21 Mandamus 28 U.S.C. 1292 commit a clear error by applying the "abuse of discretion standard" to a 28 U.S.C. 455 application/affidavit contrary to the intention and direction of the Congressional Standard— "Impartiality might reasonably be questioned" (28 U.S.C. 455(a)).

QUESTION NO. III

Was this clear Standard of Review error "abuse of discretion" v. "Impartiality might reasonably be questioned" (28 U.S.C. 455(a)) employed by one Circuit Judge in 03-3117 using

the petitioners pro se status to falsely brief the other two Judges in 03-3117, for the purpose of protecting district Judge Janet C. Hall from multiple (documented) "Extra Judicial Acts of Misconduct", and violations of Canons of Judicial Ethics.

QUESTION NO. IV

Will the Court Grant a request to bifurcate relief in this mandamus. First part being: Making a determination on the correct application of standard of review as applied to 28 U.S.C. 455. In this matter either 03-3117 panel's "abuse of discretion" standard or this petitioner's "Impartiality might reasonably be questioned" standard and in so doing making a determination on whether or not Judge Hall's documented and demonstrated extra judicial acts of misconduct meet the "impartiality might reasonably be questioned" standard justifying a 28 U.S.C. 455(a) recusal. Second part being: Because of the serious level of judicial corruption documented and illustrated in this mandamus, would the Court rather than make a determination regarding the level of judicial corruption, would the Court use its discretionary powers under 28 U.S.C. 1651(a) to refer the Federal Court System Corruption to the Honorable William H. Rehnquist, Chief Justice

of the United States Ethics Controversies Panel, Chaired by the Honorable Stephen G. Breyer, panel members Honorable J. Harvie Wilkson, III former Chief Judge of U. S. Court of Appeals for the 4th Circuit, Honorable Pasco M. Bowman II former Chief Judge U. S. Court of Appeals 8th Circuit, Honorable D. Brook Hemby former Chief Judge District of Maine, Honorable Sarah Evans Barker former Chief Judge District of Indiana and Honorable Sally M. Ridge Administrative Assistant to the Chief Justice of the United States, cited panel investigating the Federal Court system for its adherence to the Congressional directive and intentions of 28 U.S.C. 455 and 28 U.S.C. 351. In this mandamus documented and illustrated, is the Federal Court Systems Protection of Judicial "High Crimes", which would qualify for removal of a Federal Judge under 28 U.S.C. 455 or 28 U.S.C. 351. Therefore, will the Court find a bifurcation in relief is appropriate subject to the (Time Harm) already committed and being committed against the petitioner and plaintiffs. Would the Court also consider the level (Multiple Federal Judges) of usurpation of Basic Fundamental Rights when deciding the bifurcation issue.

QUESTION NO. V

Do the following "exceptional circumstances" illustrate that adequate relief cannot be obtained in any other form, or from any other Court. This mandamus is the last step in appellate procedure off 28 U.S.C. 455 Complaint and affidavit F.R.A.P. 21/28 U.S.C. 1292/Sup. CT. R. 20, for relief from a severe pattern of judicial usurpation of the petitioner and the plaintiffs' Fundamental Constitutional and Statutory Rights. Protected in the Second Circuit In re Gary R. Wall 03-3117, by an intentional misconstruction of the facts for reason of non-application to the statute committed by strategically placing a sympathetic (D.N.C. or D.O.J.) Judge on a pro se panel, that intentionally, fraudulently briefs the other two Justices. In addition, under 28 U.S.C. 351 all procedures have been exhausted In re Gary R. Wall 03-8534 Judicial Council Second Circuit; In re Gary R. Wall 03-8535 Judicial Council Second Circuit. Adding to the usurpation of Civil Rights, is the fact that documented and flagrant Judicial frauds (by the same Judges) are being committed at this present time in Wall, Cooksey, v. Local 230 et al 3:97-CV-00942(JCH) District of Connecticut Bridgeport Division, also, effecting discovery case

District of Columbia Wall, Cooksey v. Local 230 02-MS-354(DAR). Also in addition, documented and flagrant Judicial frauds are also being committed in Wall, Cooksey, Manos v. Laborers' Int. Union et al 3:04-CV-91(WWE) District of Connecticut Bridgeport Division. For the foregoing reasons, would the Court find that the political corruption category, exceptional circumstances, cited in this mandamus demonstrates that relief for citizens of the United States cannot be obtained in any other form or from any other Court.

QUESTION NO. VI:

By reason of the fact that two separate Judicial frauds have been committed on the Supreme Court in 01-1401 Wall, Cooksey, Manos v. Cheverie et al (18 U.S.C. 1964(c) Complaint) 01-1402 Wall, Cooksey, Manos v. Robert D. Luskin et al (5th Amend. Due Process Complaint/Civil Rights Action in Equity should a Sup. CT. R. 20 Mandamus issue for a referral to the Honorable Chief Justice of the United States, Ethics Controversies Panel to protect the integrity of the Supreme Court.

- VI

RULE 14(b) PARTIES

District Judge Janet C. Hall; Construction & General Laborers' Local 230 (a legal entity); Dominick Lopreato former Business Manager Local 230; Charles LeConche Business Manager Local 230; John Pezzenti Officer Local 230; Lauren M. Nash Assistant U. S. Attorney, 157 Church Street, New Haven, CT. of Council in their former capacities Federal Agents Cheryl McLaughlin and Gilbert Heitert.

RULE 20(3)(a)

Relief is sought from United States District Judge Janet C. Hall District of Connecticut Bridgeport Division, relief being Judge Hall's compliance with 28 U.S.C. 455(a)'s Congressional Standard. Also as a supplemental request for relief is a request for a referral to the Honorable Chief Justice of the United States William H. Rehnquist, Ethics Controversies Panel cited in Question No. IV. Please see Sup. CT. R. 14(h) at pages 12-25 of this instant mandamus "set[s] out with particularity why relief sought is not available in any other Court."

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X

Rule 14(d)

28 U.S.C. 455(a)/Wall, Cooksey v. Local 230 et al 3:97-CV-00942(JCH)

The opinion in the district Court concerning the 28 U.S.C. 455 application for disqualification was by Ruling of Judge Hall the minutes of oral argument dated September 20, 2003. See Writ Appendix relevant excerpts page 1 quoted for compliance with Rule 14(d) relevant part:

The Court: "The Court is going to deny docket 217, the application for disqualification."

Mr. Wall: "Your Honor, are you going to write an opinion so I can appeal it."

The Court: "You can appeal it based upon my opinion. I'm going to rest on what I've put on the record and I think I've put out all my view on the motion I could."

Rule 14(d)

28 U.S.C. 455(a)/F.R.A.P. Rule 21

In re Gary R. Wall Second Circuit 03-3117 (application denied)

Rule 14(d)

F.R.A.P. Rule 21

In re Gary R. Wall Second Circuit 03-3117 F.R.A.P. 35 (Rehearing En Banc denied)

Rule 14(e)

The basis for jurisdiction in this Court for District Judge compliance with 28 U.S.C. 455 – F.R.A.P. 21/28 U.S.C. 1292; In Aid of Appellate Jurisdiction 28 U.S.C. 1651(a); The basis for jurisdiction regarding the supplemental request for a referral to the Chief Justice of the United States, Ethics Controversies Panel is Supreme Court Rule 20 In Aid of Supervisory Control, 28 U.S.C. 1651(a).

(i) The date the order sought to be reviewed is January 14, 2004.

(ii) The date of the order in respect to the rehearing is May 13, 2004. This mandamus was filed August 10, 2004 (one copy). This is the corrected and amended Writ.

(iii) N/A

(iv) 28 U.S.C. 1651(a)

(v) N/A

Rule 14(f)

Constitutional Amendment Five – Due Process; 28 U.S.C. 455(a); 28 U.S.C. 1292; 28 U.S.C. 1651(a).

Rule 14(g)

The concise statements setting out the facts material to consideration of the questions presented are:

QUESTION NO. I STATEMENT:

The facts material to consideration of Question No. I concern political corruption exceptional circumstances. That being, on February 15, 2000 the Department of Justice signed an "Operating Agreement" with Laborers' International Union of North America as an alternative to a drafted 212-page RICO Complaint. Said "Operating Agreement" the fruit of documented multi million dollar political bribes, was and is an open ended conspiracy to defraud the United States by and through the corrupt use of a Congressional Act – the Organized Crime Control Act of 1970 (RICO), and its subset Title 18 and Title 29, 18 U.S.C. 1961 predicates. Said conspiracy to defraud the United States corruptly "influenced" an entire division (Bridgeport) in the district of Connecticut, Second Circuit Panels and the Judicial Council of the Second Circuit. Said material facts political corruption category

exceptional circumstances, are documented and indisputably illustrated. [Please see R. 14(h)(i)(vi) LETTERS Appendix Pages 42-106.

QUESTION NO. II STATEMENT:

The only fact material to consideration regarding Question No. II is a determination by the Court, for the correct standard of review on appeal of a 28 U.S.C. 455 perjury sworn affidavit, and complaint. The perjury sworn affidavit documented and illustrated Extra Judicial Acts of Misconduct, Article II Sec. 4 and Canon violations [see perjury sworn affidavit at appendix pages 12-40.

Judge Hall's Extra Judicial Acts clearly show that Judge Hall's "Impartiality might reasonably be questioned", the correct standard for review 28 U.S.C. 455(a).

QUESTION NO. III STATEMENT:

The fact material to consideration concerning Question No. III is the clear obvious error applying "abuse of discretion" standard for review to 28 U.S.C. 455(a) complaint rather than its standard of review by law and authority "impartiality might reasonably be questioned" – was that standard of review an "abuse of discretion" or a continuation of judicial protection of Judge

Hall's Extra Judicial Acts of Misconduct in the Second Circuit, involving a strategically placed Judge on a pro se panel, District Judge Michael B. Mukasey (S.D.N.Y.) (former U. S. Attorney), sitting by designation falsely briefing the other two Circuit Judges on the 03-3117 panel. Enough evidence has been illustrated in this mandamus concerning the protection of "crimes committed under the Justice Departments "Operating Agreement" and Judge Hall's and other Federal Judges involvement in the protection of the political corruption category exceptional circumstances, for this Court to make a referral "In Aid of Supervisory Control" Sup. CT. R. 20 to the Honorable Chief Justice of the United States, Ethics Controversies Panel cited in Question No. IV at page (iii)(iv) of this mandamus. Please see footnote 2 and footnote 3 Sup. CT. R. 14(h)(i)(vi) LETTERS Appendix pages 58, 59, 60. Also see for authority In re I.B.M. Corp. Petitioner, In United States Plaintiffs v. I.B.M. Corp. Defendants 618 F.2d 923 (1980 2d Cir.) Holding No. 1 Id 923 "Mandamus"

"Few situations are more appropriate for mandamus than a judges clearly wrongful refusal to disqualify himself 28 U.S.C.

144, 455 1651 U.S.C.A. Const. Amend 5 F.R.A.P. 21 28 U.S.C.A."

QUESTION NO. IV STATEMENT:

The only fact material to consideration regarding Question No. IV based on the level of political corruption category exceptional circumstances, is the request to the Court for a determination on the standard of review for 28 U.S.C. 455, separately from the averments of judicial corruption. The reason being, the petitioner and the plaintiffs have been Time Harmed enough by the judicial corruption. Therefore, the petitioner and the plaintiffs respectfully request the Court determine the standard of review Question under Sup. CT. R. 20 (28 U.S.C. 1651) "In Aid of Appellate Jurisdiction" and refer the Judicial corruption exceptional circumstances to the Honorable Chief Justice of the United States Ethics Controversies Panel under Sup. CT. R. 20 (28 U.S.C. 1651) "In Aid of General Supervisory Control."

QUESTION NO. V STATEMENT:

The primary fact material to consideration regarding Question No. V is – the Court being made aware of the serious and dangerous level of political corruption criminally influencing the

Lawful Functions of the United States (Judicial Branch and Executive Branch) please pull up on your computer Wall, Cooksey, Manos v. Laborers' International Union of North American et al 3:04-CV-91(WWE) Bridgeport Division Distr. Of Conn. filed January 20, 2004 one year ago (Judicially stalled and pending). Please take the time to read the six page Organized Crime Control Act RICO Complaint and one hundred and four (104) page Standing Order (supported by one year of depositions in companion case 3:97-CV-00942(JCH)). Please take the time to review the last couple of motions filed in 3:04-CV-91(WWE and it will be indisputably evident that the judicial obstruction and fraud is continuing open ended to this day. Please take the time to read the Sup. CT. R. 14(h)(i)(vi) LETTERS at App. P 42 - 106.

The material fact for consideration are very serious and dangerous exceptional circumstances criminally influencing and undermining the prestige and integrity of the Judicial System of the United States, caused by multi million in political bribes, and the buy-out of a 212-page RICO Complaint, protected by D.N.C. affiliated Federal Judges and former D.O.J. officers now Federal Judges protecting their former colleagues multi million dollar

(private practices) racketeering scheme. The material fact for consideration does the Court have a legal position obligation to protect the lawful functions of the Courts below from Federal Judges who disgrace the prestige and integrity of the lawful functions of the inferior Courts below; Federal Judges protecting Federal Judges; Federal Judges protecting former and present day Department of Justice officials. No Article III protection of the Courts Rule of Law, exceptional circumstances warranting the use of Sup. CT. R. 20 "In Aid of Supervisory Control" through a referral of the political corruption category exceptional circumstances, to the Honorable Chief Justice of the United States William H. Rehnquist, Ethics Controversies Panel; In so doing, protecting the lawful functions of the Courts below from the criminal political influence of an OCCA RICO enterprise.

QUESTION NO. VI STATEMENT:

The fact material to consideration for Question No. VI should the Court, subject to the illustrated averments in the 28 U.S.C. 455 affidavit Appendix P. 12-40 and pleaded in this instant Writ, showing that frauds on the Supreme Court have been

committed. Should the Court refer for investigation to the Honorable Chief Justice of the United States, Ethics Controversies Panel, Judicial frauds ultimately by process committed on the Supreme Court by Federal Judges in 01-1401 and 01-1402.

01-1401 Fraud on the Supreme Court: Circuit Judge Chester Straub in 00-9004, Appellate Case No. for 3:97-CV-2502(JCH), committed a fraudulent briefing to the Honorable Judge Winter Chief Judge at the time and the Honorable Judge Meskill. Said fraudulent briefing was committed by intentionally and fraudulently misidentifying a substantive and timely Rule 59(e) Motion for Reconsideration, for a Rule 59(a) Motion for a new trial, with its time computation 59(b) Motion filed at a 12(b)(6) level, intentionally done so in order to portray pro se litigates as know nothing reckless plaintiffs eliminating all review of the substance of the 59(e) Motion, substance being, the D.N.C. and the D.O.J. involvement in the political protection of an OCCA/RICO Enterprise. A factual occurrence in 01-1401 and by its indisputable documented and illustrated actions Circuit Judge Straub committed a fraud on the Supreme Court in 01-1401 by his judicial fraud in 00-9004 (Second Circuit). A referral pursuant to

Sup. CT. R. 20 "In Aid of Supervisory Control" to the Chief Justice of the United States, Ethics Controversies Panel is in order. Please see 28 U.S.C. 455 affidavit at Appendix Pages 12-40.

01-1402 Fraud on the Supreme Court.

Circuit Judge Straub in Collusion with the Bridgeport division intentionally post dated an amended Civil Rights Act Complaint eleven days late, intentionally doing so in order to stop review of the substance of the Civil Right Act Complaint Action In Equity that indisputably illustrated sever violations of the petitioners and the plaintiffs basic fundamental Civil Rights and Civil Liberties caused by a criminal agreement involving the Department of Justice and an OCCA RICO Enterprise in which its "associates-in-fact" and its "Governance Structure" date back prior to the effective date of OCCA/RICO (October 15, 1970). Also evident in the Action in Equity Complaint is the criminal participation and corrupt influence of the Democratic National Committee on the Executive Branch and Judicial Branch of the United States.

Judge Hall and the Bridgeport Division committed an Obstruction of Justice in 3:97-CV-2502(JCH), by fraudulently post-dating the Action in Equity Civil Rights Act Complaint, which became a fraud on the Supreme Court in 01-1402. Circuit Judge Straub committed an Obstruction of Justice in 00-9004 when he used the fraudulent post-dating scheme on the Civil Rights Act Complaint Action In Equity, which became a fraud on the Court in 01-1402. Please see 28 U.S.C. 455 affidavit at Appendix Pages 12-40. Federal Judges taking advantage of their assumed integrity against the assumed ignorance of pro se litigates, knowingly obstructing and usurping basic fundamental Rights in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803):

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"

The petitioner and the plaintiffs below respectfully request the Supreme Court protect the integrity of the Courts from frauds committed in the judicial process on the Supreme Court. The petitioner and the plaintiffs below respectfully request the Court to

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do so through a referral to the Honorable Chief Justice of the United States, Ethics Controversies Panel.

Rule 14(g)(i) N/A

Rule 14(g)(ii)

The basis for federal jurisdiction in the Court of first instance is 28 U.S.C. 455(a)

Rule 14(h) 28 U.S.C. 455(a) "Impartiality might reasonably be questioned"

The direct and concise argument amplifying the reasons relied on for allowance of the Writ in compliance with Rule 10(a) is the United States Court of Appeals for the Second Circuit in In re Gary R. Wall 03-3117 has entered a decision in conflict with its own Circuits decisions, in conflict with U. S. Supreme Court decisions, in conflict also with the Congressional directive of 28 U.S.C. 455(a).

"(a) Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his **impartiality might reasonably be questioned"**

CASE AUTHORITIES 28 U.S.C. 455(a)

In re I.B.M. Corp. Petitioner, In United States Plaintiffs v. I.B.M. Corp. Defendants 618 F2d. 923 (1980 2d. Cir.) Holding #1 Id. 923 "Mandamus"

"Few situations are more appropriate for mandamus than a judge's wrongful refusal to disqualify himself, 28 U.S.C. 144, 455, 1651 U.S.C.A. Const. Amend 5, F.R.A.P. 21, 28 U.S.C.A."

See also; Litkey v. the United States 510 U.S. 540, 544 (1994);

"Recusal mandated if Judges impartiality could reasonably be questioned"

See also; Liljeberg v. Health Services Acquisitions Corp. 486 U. S. 847 at 849, 850

"Justice Stevens delivered the opinion of the Court in 1974 Congress amended the Judicial Code to broaden and clarify the

grounds for the judicial disqualification 88 Stat. 1609 the first sentence of the amendment provides 'any Justice or Magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned 28 U.S.C. 455(a) amended'"

See also; United States v. Microsoft Corp. 253 F3d. 34, 107-117 (D.C. Cir. 2001)

"A Judge's violation of Canons of Judicial Ethics, may be the basis for disqualification" "(Remanding for reconsideration of remedies in anti trust action but assigning case on remand to different Judge)" see 12 Moore's Federal Practice 63.21 (Matthew Bender 3d Ed.)

The documented and illustrated Extra Judicial Acts of obstruction committed by District Judge Hall are Canon Violations as in Microsoft Supra but most importantly the intentional obstructions committed by District Judge Hall are intentional violations of Judge Hall's Article III oath to PRESERVE, DEFEND, AND PROTECT THE CONSTITUTION OF THE UNITED STATES. Also as in Microsoft Supra the assigning of

the case on remand should be to another Judge out of the corruptly influence Bridgeport Division.

See also; In re Murchison 349 U. S. 133, 136 (1955)

"We must continuously bear in mind that to perform its high function in the best way Justice must satisfy the appearance of justice"

The appearance of injustice in this mandamus matter is clear and evident. The injustices in this mandamus matter are flagrant, bold and obvious Extra Judicial Acts of Obstruction, and intentional misconstruction of the pleadings, by Judge Hall. Thus, putting the plaintiffs in a severe detrimental position in which the defendants and their attorneys', have direct indisputable knowledge that a Federal Judge is protecting their politically, and criminally powerful, OCCA/RICO Enterprise's criminal acts. Rash extra judicial acts of obstruction and fraud, committed by Judge Hall with no regard for the consequences of enhancing the political and criminal reputation of an Organized Crime Control Act RICO Enterprise, emboldening the defendants and their attorneys to commit more abuses and violations of Rule of Law

inside the Courtroom, corrupting the Judicial Branch, and outside the Courtroom corrupting the Executive Branch. The petitioner and the plaintiffs respectfully request the Court to exercise its powers under 28 U.S.C. 1651 in so doing finding that Judge Hall's "impartiality might reasonably be questioned" in so doing directing Judge Hall to recuse herself under 28 U.S.C. 455(a) and in so doing on remand assign the case Wall, Cooksey v. Local 230 3:97-CV-00942(JCH) out of the Bridgeport division pursuant to Sup. CT. R. 20.1 "In Aid of Appellate Jurisdiction", "In Aid of General Supervisory Control. 3:97-CV-00942(JCH) is an LMRDA Complaint the violations of the petitioner and the plaintiffs LMRDA Rights are being committed in the meaning of Mens Rea, by the intent to violate 18 U.S.C. 1962(d)(b)(c). That being, the reason for the filing of 3:04-CV-91(WWE) OCCA/RICO Complaint, after discovery was completed in 3:97-CV-00942(JCH). In said Complaint and Standing Order, Judge Hall is cited as a wrongdoer for her Extra Judicial Acts of Obstruction of the pleadings. The adverse opinions and findings by Judge Hall in multiple cases in the Bridgeport division are not derived from a wrongful evaluation of the merits; they are flagrant bold and

sometimes hostile Extra Judicial Acts of Obstruction and Judicial Fraud.

All of the cases below including this instant 28 U.S.C. 455(a)'s parent case 3:97-CV-00942(JCH) were and are at the pretrial stages of litigation in the meaning of 28 U.S.C. 455(d)(1). Since 3:97-CV-00942(JCH) was transferred to Judge Hall (October 23, 1997 by Judge Nevas) multiple acts of Extra Judicial Acts of Obstruction and Judicial fraud have severely harmed the petitioner and the plaintiffs basic fundamental Rights.

By reason of the fact that Judge Hall did not recuse herself September 4, 2003 (Oral Argument Ruling) as a consequence now at this 455(d)(1) pretrial stage, Judge Hall has created an extremely bias situation, where not only does Judge Hall have to hide the Federal Law violations by the defendants, for political reasons, she now has to obstruct the pleadings in order to prevent a jury from seeing her Extra Judicial Acts of Obstruction and Judicial fraud, (Political Protection), that would be exposed in a jury trial of the defendants.

These are the inevitable dark consequences of a conspiracy to defraud the United States ("Operating Agreement"), by and through the corrupt use of a Congressional Act, Organized Crime Control Act 1970 (RICO), which cased a contamination of the Lawful Functions of a major segment (Executive Branch) of the Organized Crime Division of the Department of Justice and the contamination of a major segment of the (Judicial Branch) Bridgeport Division, District of Connecticut and the Second Circuit. Judge Hall should have adhered to the Law and her Oath and recused herself as of the September 4, 2003 Ruling. The petitioner and the plaintiffs below respectfully request the Court to use the power vested under Sup. CT. R. 20 "In Aid of Appellate Jurisdiction" and in "Aid of General Supervisory Control" to direct Judge Hall to recuse herself as of September 4, 2003, and in so doing "In the Interest of Justice" 28 U.S.C. 1404(a), transfer 3:97-CV-00942(JCH) out of the Bridgeport division. For the Court's knowledge and for status reasons only, this mandamus procedurally follows and interlocutory mandamus F.R.A.P. 21 28 U.S.C. 1292, as of August 31, 2004 Judge Hall dismissed the unlawful discipline portion of the LMRDA Complaint 3:97-CV-

00942(JCH) granting in part summary judgment on unlawful discipline in the meaning of 101(a)(5); 609; 29 U.S.C. 401(a); 29 U.S.C. 529, denying summary judgment on membership in the meaning of 29 U.S.C. 402(o). In dismissing the LMRDA unlawful discipline claims, Judge Hall commits a bold, obvious and flagrant extra Judicial act of obstruction and fraudulent misconstruction of the pleadings. This petitioner realizes that the Supreme Court does not have jurisdiction on Judge Hall's latest Extra Judicial Act of Obstruction of Justice i.e. August 31, 2004 Ruling. This information on the latest act of obstruction is for status purposes only to this Court. An appeal notice has been timely filed 12/17/04 as of Judge Hall's denial of a Rule 59(e) Motion (December 8, 2004), that included inter alia, severe averments against Judge Hall's lack of integrity, by reason of judicial fraud, which she did not defend against or even mention in her denial. Please see the Rule 14(h)(ii)(vi) LETTER to the Chief Judge for the Second Circuit Appendix pages 99-106. After reading the letter to the Chief Judge for the Second Circuit please consider the following request from the Ethics Controversies Panel. The petitioner and the plaintiffs respectfully request the Ethics Controversies Panel by

reason of the Exception Corruption Category circumstances, apply oversight to the selection process of the Circuit panel that will hear the appeal in the Second Circuit on the unlawful discipline claims, extra judicially obstructed by Judge Hall, not for reasons of any determination on the merits, but for the honesty of the make up of assignment of the panel.

Rule 14(h)

Supplemental Request for Relief from Exceptional Circumstances by referral to the Ethics Controversies Panel.

The direct and concise argument in compliance with Rule 10(a) for the allowance of the supplemental request for relief by a referral of the judicial corruption exceptional circumstances to the Ethics Controversies panel in compliance with Rule 10(a) in this mandamus matter, is in the meaning of Clause 3 of Rule 10(a) – Clause 3: "or has so far departed from the accepted and usual course of judicial proceedings". The extra judicial acts of obstruction and fraud clearly illustrated in this mandamus are a departure from the usual course of judicial proceedings by multiple Federal Judges protecting Federal Judges [Network judicial

corruption] caused by the politically motivated corrupt use of a Congressional Act OCCA/RICO, in a monetary motivated conspiracy to defraud the United States creating a departure from the basic fundamental principles of the Constitution of the United States, political corruption exceptional circumstances, in need of Sup. CT. R. 20 mandamus, that have usurped the petitioner and the plaintiffs Civil Liberties and Civil Rights and have severely Time Harmed the petitioner and the plaintiffs. Therefore the petitioner respectfully requests the Court to bifurcate the relief. Part one being a determination on the standard of review 28 U.S.C. 455(a), part two referral by the Court to the Ethics Controversies Panel, regarding the intentional obstruction at the Appellate Level committed by Judge Michael B. Mukasey S.D.N.Y., sitting by designation In re Gary R. Wall 03-3117.

See Circuit Panel Judge Mukasey Order Appendix pages 3, 4 repeated for convenience.

"Petitioner Wall, pro se, petitions for a writ of mandamus. Upon due consideration, it is ORDERED that the mandamus petition is

denied because petitioner fails to demonstrate relief see Mallard v. United States Dist. CT. 490 296, 308 (1989)" .

Please take notice that circuit designated Panel Judge Mukasey, intentionally does not address the 28 U.S.C. 455(a) application/affidavit, the gravaman of the appeal. Judge Hall's non-compliance with 28 U.S.C. 455(a) in the district was the issue for determination by the Second Circuit, Judge Mukasey was well aware of that fact. Judge Mukasey is also aware that the proper method for relief from a violation of 28 U.S.C. 455(a) is a mandamus. See In re IBM Supra: Judge Mukasey's intentional misconstruction of the pleadings in his summary opinion, was meant to change the appearance of the summary order to the denial of a mandamus, rather than the denial of a 28 U.S.C. 455(a) application/affidavit against district Judge Hall. The extra judicial purpose being to change the standard of review and in so doing, concealing Judge Hall's Article II Sec. 4 and Canon violations, the basis for disqualification under 28 U.S.C. 455(a). It defies logic that Judge Mukasey made a discretionary error, "Upon due consideration".

The intentional misrepresentation of the substantial point of the appeal, part of a pattern in the Second Circuit of protection of Judge Hall's Extra Judicial Acts of Obstruction and Fraud, suggest a high probability that the following statement by Judge Mukasey in the petition for rehearing en banc is also a false statement, i.e. "It is further noted that the petition for rehearing en banc has been transmitted to the Judges for the Court's in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon".

The level of judicial corruption cited and illustrated in this writ of mandamus was conceived and caused by a conspiracy to defraud the Lawful Functions of the United States by and through the corrupt use of a Congressional Act; that being, the Organized Crime Control Act of 1970 (RICO). If as directed by Constitutional Law in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803), a Federal Court has authority under the Constitution to declare an Act of Congress unconstitutional. Then, it is a judicial duty of a Federal Court to protect the Judicial Branch (and the Executive Branch) from the corrupt use of a Congressional Act, that has usurped the claims of protection of the

Laws of the United States from the petitioner and the plaintiffs. The facts and circumstances illustrated in this writ of mandamus also prove the Judicial Branch cannot police itself under 28 U.S.C. 455 and 28 U.S.C. 351. It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate powers of 28 U.S.C. 455 and 28 U.S.C. 351.

Respectfully Submitted:

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